

## TENURE AND DISPOSITION OF REAL AND PERSONAL PROPERTY

*Convention signed at Washington March 2, 1899*

*Senate advice and consent to ratification, with amendments, March 22,  
1900*<sup>1</sup>

*Ratified by the United Kingdom June 18, 1900*

*Ratified by the President of the United States, with amendments,  
July 16, 1900*<sup>1</sup>

*Ratifications exchanged at Washington July 28, 1900*

*Proclaimed by the President of the United States August 6, 1900*

*Entered into force August 7, 1900*

*Supplemented and amended by conventions of January 13, 1902;<sup>2</sup>  
October 21, 1921;<sup>3</sup> and May 27, 1936<sup>4</sup>*

31 Stat. 1939; Treaty Series 146

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to improve the condition of the citizens and subjects of each of the respective countries in relation to the tenure and disposition of real and personal property situated or being within the territories of the other, as well as to authorize the representation of deceased persons by the Consuls of their respective nations in the settlement of estates, have resolved to conclude a convention for those purposes and have named as their Plenipotentiaries:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States of America; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right

<sup>1</sup> The U.S. amendments called for addition at the end of art. IV of the phrase "by direction of the treaty making power of the United States"; deletion of the phrase "acquiring or possessing or" before the word "disposing" in art. V; and deletion of the phrase "within twelve months from the date hereof" after the word "Washington" in art. VII.

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 402, *post*, p. 261.

<sup>3</sup> TS 663, *post*, p. 390.

<sup>4</sup> TS 964, *ante*, vol. 5, p. 140, AUSTRALIA.

Honorable Sir Julian Pauncefote, Knight Grand Cross of the Orders of the Bath and of St. Michael and St. George, Ambassador Extraordinary and Plenipotentiary of Great Britain;

Who, having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

#### ARTICLE I

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn.

#### ARTICLE II

The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies shall be liable to pay in like cases.

#### ARTICLE III

In case of the death of any citizen of the United States of America in the United Kingdom of Great Britain and Ireland, or of any subject of Her Britannic Majesty in the United States, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the Nation to which the deceased person belonged of the circumstance, in order that the necessary information may be immediately forwarded to persons interested.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are otherwise represented.

ARTICLE IV <sup>5</sup>

The stipulations of the present Convention shall not be applicable to any of the Colonies or foreign possessions of Her Britannic Majesty unless notice to that effect shall have been given, on behalf of any such Colony or foreign possession by Her Britannic Majesty's Representative at Washington to the United States Secretary of State, within one year from the date of the exchange of the ratifications of the present Convention.

It is understood that under the provisions of this Article, Her Majesty can in the same manner give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th of June, 1878, between Great Britain and Turkey.<sup>6</sup>

The provisions of this Convention shall extend and apply to any territory or territories pertaining to or occupied and governed by the United States beyond the seas, only upon notice to that effect being given by the Representative of the United States at London, by direction of the treaty making power of the United States.<sup>7</sup>

## ARTICLE V

In all that concerns the right of disposing of every kind of property, real or personal, citizens or subjects of each of the High Contracting Parties shall in the Dominions of the other enjoy the rights which are or may be accorded to the citizens or subjects of the most favored nation.

<sup>5</sup> For amendments to art. IV, see supplementary conventions of Jan. 13, 1902 (TS 402), *post*, p. 261, and May 27, 1936 (TS 964), *ante*, vol. 5, p. 140, AUSTRALIA.

<sup>6</sup> *British and Foreign State Papers*, vol. 69, p. 744.

<sup>7</sup> The convention was made applicable by the United States to Puerto Rico (Sept. 3, 1916), and to Hawaii (Oct. 5, 1921).

It was made applicable by the United Kingdom to Cape Colony, Fiji, Jamaica, Bahamas, Trinidad, Barbados, St. Vincent, St. Lucia, Falkland Islands, St. Helena, Sierra Leone, Gambia, Cyprus, Ceylon, Hong Kong, Straits Settlements, British Honduras, and Grenada (Feb. 9, 1901); Newfoundland (Mar. 5, 1901); Colony of Labuan and State of North Borneo (Apr. 30, 1901); New Zealand and Mauritius (June 10, 1901); British Guiana and Leeward Islands (June 17, 1901); Gold Coast Colony (July 6, 1901); Bermuda (July 19, 1901); Northern Nigeria (July 22, 1901); Southern Rhodesia, Lagos, and Southern Nigeria (July 27, 1901); Australia and British New Guinea (Apr. 3, 1902); India, including native states (June 30, 1902); Transvaal, Orange River Colony, Basutoland, and Bechuanaland (July 24, 1902); and Aden Colony and Protectorate, Ascension, Gibraltar, Kenya, Malta, Northern Rhodesia, Nyasaland Protectorate, Palestine, Swaziland, Tanganyika Territory, Uganda Protectorate, and Zanzibar (May 29, 1947). The convention was terminated with respect to Kenya in a note dated Aug. 23, 1965, from the Ministry of External Affairs of the Republic of Kenya.

For supplementary convention of Oct. 21, 1921, providing for accession of Canada, see TS 663, *post*, p. 390.

For an exchange of notes at London Nov. 17 and Dec. 12, 1924, regarding applicability of the convention to the Irish Free State, see p. 249. The convention, insofar as it was in force between the United States and Ireland, was replaced June 12, 1954 (except art. III) by convention of May 1, 1950, and supplementary protocol of Mar. 3, 1952 (5 UST 949; TIAS 2984).

ARTICLE VI<sup>8</sup>

The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of ten years, of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

The United States or Her Britannic Majesty shall also have the right separately to terminate the present Convention at any time on giving twelve months' notice to that effect in regard to any British Colony, foreign possession, or dependency, as specified in Article IV, which may have acceded thereto.

## ARTICLE VII

The present Convention shall be duly ratified by the President of the United States, by and with the approval of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged in London or in Washington.

In faith whereof we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the second day of March, one thousand eight hundred and ninety-nine.

|                   |        |
|-------------------|--------|
| JOHN HAY          | [SEAL] |
| JULIAN PAUNCEFOTE | [SEAL] |

*Note by the Department of State*

The following correspondence was exchanged between the Department of State and the British Foreign Office regarding the application of the convention relating to the tenure and disposition of real and personal property to the Irish Free State:

LONDON, *November 17, 1924*

SIR: Under instructions of my Government I have the honor to enquire whether, as a result of the creation of the Irish Free State, the British Government consider that the provisions of the Property Convention of March 2,

<sup>8</sup> For an amendment to art. VI, see supplementary convention of May 27, 1936 (TS 964), *ante*, vol. 5, p. 140, AUSTRALIA.

1899, are still binding on Ireland without notice, as provided for by Article 4, paragraph 1.

I have the honor to be, with the highest consideration, Sir,

Your most obedient, humble servant,

FRANK B. KELLOGG

The Right Honorable

AUSTEN CHAMBERLAIN,

*etc., etc., etc.,*

*Foreign Office, S. W. 1.*

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FOREIGN OFFICE, S. W. 1.,  
12th December, 1924

YOUR EXCELLENCY:

With reference to Your Excellency's note of November 17th, I have the honour to inform you that the establishment of the Irish Free State is not regarded as affecting the position in connection with the applicability to Ireland of the convention of the 2nd March, 1899, relative to the disposal of real and personal property.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

G. R. WARNER

His Excellency

The Honourable

FRANK B. KELLOGG,

*etc., etc., etc.*